

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 21005 of 2004

Between:

- 1 Smt. Singam Sharada W/o Mallesham
r/o H. No. 6/7, 21 enclave, Yellandu Khammam District
- 2 Smt. Guggilla Ramadevi W/o Veerabhadram
R/o H. NO. 18-1-118, Bollorugudem, Paloncha, Khammam district

..... PETITIONERS

AND

- 1 The Managing Director, A.P. GENCO, Vidyuth Soudha, Khairatabad, Hyderabad
- 2 The Chief Engineer, Kothagudem Thermal Power Station, Polancha, Khammam District
- 3 Smt. Kuchina Sunith W/o Late Rajaiah
R/o H.No. 18-1-119, Bollorugudem, Polancha, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of Mandamus directing respondents 1 and 2 not to release any monetary benefits or provide compassionate appointment in favour of the 3rd respondent and consequently direct the respondents 1 and 2 release the amounts in favour of the petitioners and 3rd respondent equally and also consider the case of the petitioners for appointment on compassionate ground

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents No.1 & 2: SMT.K.SESHARAJYAM (SC FOR AP GENCO)

Counsel for the Respondent No.3 : Mr M. RAJAMALLA REDDY

The Court made the following :

ORDER:

Heard all the three counsel on record. At their request, the main writ petition itself is taken up for disposal.

The petitioners herein who are the daughters of the deceased employee files this writ petition seeking a writ of Mandamus directing the respondents 1 & 2 to release the monetary benefits in their favour and in favour of 3rd respondent and also to consider their case for compassionate appointment on compassionate grounds instead to provide the same to the third respondent.

The petitioners 1 & 2 and the 3rd respondent are the daughters of deceased employee who worked as Sweeper in the Kothagudem Thermal Power Station and died on 18-7-2004. The petitioners sought to place reliance on the will alleged to have been executed by their deceased mother on 5-6-2000, whereas the other daughter 3rd respondent herein sought to place reliance on the will alleged to have been executed by her mother on 6-1-2004. Admittedly, the deceased employee had left behind some house and other properties and further the legal representatives would be entitled to the retirement benefits of the deceased employee.

Having considered the submissions made and also on perusal of the material, it is seen that in view of the rival wills set up from both the sides, it is not open for this Court to go into all these aspects by exercising the powers under Article 226 of Constitution of India.

Hence, it is left open to the parties to approach the competent Civil Court to establish their wills and claiming rights on the properties. However, in regard to the retiral benefits the same has to be shared by all the three daughters equally. Further in regard to compassionate appointment as sought for by all the three daughters, who have filed respective applications independently, it is left open for the respondents 1 & 2 to consider the same on merits and to pass appropriate orders, in accordance with law, after giving notices and opportunity to all of them.

With the aforementioned observations, the writ petition is disposed of. No Costs.

B. PRAKASH RAO, J

Dt 28/12/2004

KVRK

To

- 1 The Managing Director, A.P. GENCO, Vidyuth Soudha, Khairatabad, Hyderabad
- 2 The Chief Engineer, Kothagudem Thermal Power Station, Polancha, Khammam District
- 3 Two CD copies.